

Statutes of the State of Texas, pertaining to giving security for costs,"

And find the same correctly engrossed.
BARRETT, Acting Chairman.

Committee Room,
Austin, Texas, January 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 12, A bill to be entitled "An Act to amend Title XVIII, Chapter 3, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 400a, pertaining to the appointment of policemen in cities and towns and requiring them to take an oath of office and make a good and sufficient bond, and declaring an emergency,"

And find the same correctly engrossed.
BARRETT, Acting Chairman.

PETITION.

By Senator Hudspeth:

San Angelo, Texas, January 12, 1907.

Hon. C. B. Hudspeth, Senate Chamber,
Austin, Texas.

Sir: We, the undersigned citizens of Tom Green and adjoining counties, realizing the great damage to the live stock interests of the State by depredation of wolves, panthers and other wild animals, urgently request that you introduce and have passed, if possible, a bill carrying an appropriation for the extermination of such animals and for the payment of scalp bounties for such animals killed within the State.

Signed by 150 citizens of Tom Green and adjoining counties.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, January 22, 1907.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

No quorum present, the following Senators answering to their names:

Alexander.	Murray.
Brachfield.	Paulus.
Greer.	Smith.
Holsey.	Stone.
Kellie.	Terrell.
Looney.	Watson.
Mayfield.	Willacy.

Absent.

Barrett.. Chambers.

Faust.	Hudspeth.
Glasscock.	Masterson.
Green.	Meachum.
Griggs.	Senter.
Grinnan.	Skinner.
Harbison.	Stokes.
Harper.	Veale.

There being no quorum present, the Senate was at ease until 10 o'clock, at which time a quorum was present, the following Senators answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Veale.

Prayer by Chaplain, as follows:

We are devoutly grateful, our heavenly Father, for the mercies that are still pursuing us from day to day, and the many kindly surroundings with which we are blessed this morning. This new day's obligations and duties require new strength and wisdom. Oh, Lord, give us bountifully of Thy presence to guide in the way we should go, and may all of our powers be employed to glorify Thy name and for the good of our country. Forgive our sins and love us freely for Christ's sake. Amen.

Pending the reading of the Journal of yesterday, on motion of Senator Harbison, the same was dispensed with.

EXCUSED.

On motion of Senator Barrett, Senator Faust was excused for non-attendance upon the Senate on yesterday, on account of important business.

On motion of Senator Grinnan, Senator Veale was excused from attendance upon the Senate for today, on account of important business.

BILLS AND RESOLUTIONS.

SIMPLE RESOLUTION.

By Senator Senter:

Resolved, That it is the sense and

judgment of this body that the issues involved in the choice of United States Senator, under the existing circumstances, should be determined directly by the entire membership of the Democratic party of this State, and to the end that their sovereign will may control, we recommend:

First. That Senator Bailey shall, before the Legislature proceeds to ballot for Senator, address it a communication in writing, and pledge himself to immediately resign the office of United States Senator, if he shall be elected thereto, and to go at once before the whole body of the Democracy and give them an opportunity to pass upon his candidacy, with the understanding that the investigation of the pending charges shall proceed to a conclusion.

Second. In the event that Senator Bailey shall adopt the course above suggested, we who vote for this resolution pledge ourselves to vote upon ballot today for his re-election, and to use our utmost endeavors to secure such a period of time for the making of a campaign as will be acceptable to Senator Bailey, and also to abide by the result of said general Democratic primary, as indicated by the majority of all the votes cast in said election, and to vote in accordance with the wishes of such majority.

We further pledge ourselves to endeavor to secure action upon said result during the present session of the Legislature.

Senator Senter moved the adoption of the resolution, and

Senator Chambers moved to table the resolution.

The motion to table was adopted by the following vote:

Yeas—19.

Alexander.	Masterson.
Barrett.	Meachum.
Brachfield.	Paulus.
Chambers.	Skinner.
Griggs.	Smith.
Harbison.	Stone.
Harper.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Nays—10.

Faust.	Holsey.
Glasscock.	Mayfield.
Green.	Murray.
Greer.	Senter.
Grinnan.	Stokes.

Absent—Excused.

Veale.

By Senator Kellie:

Whereas, Congressman James L. Slayden of Texas introduced a bill in the House of Representatives of the United States Congress to amend the military laws so that after the 1st day of July, 1907, there be no more negro regiments in the Army of the United States, and,

Whereas, We consider the negro soldiers a menace to the white people of the South, and,

Whereas, There can be found enough patriotic white men to supply the army with soldiers; be it

Resolved, That we approve the bill offered by Congressman Slayden and respectfully urge our Senators and Representatives in the United States Congress to use their utmost endeavors to pass said bills.

(Signed) KELLIE,
PAULUS.

The resolution was read and adopted.

BILLS.

By Senator Hudspeth:

Senate bill No. 97, A bill to be entitled "An Act to provide a charter for the city of El Paso, in El Paso county, Texas, and to fix the boundaries thereof; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senators Brachfield and Barrett:

Senate bill No. 98, A bill to entitled "An Act to amend Article 4542, Title XCIV, Chapter 2, of the Revised Statutes of 1895."

Read first time and referred to Committee on Internal Improvements.

By Senator Faust:

Senate bill No. 99, A bill to be entitled "An Act to amend Section 3 of Chapter 56 of the Acts of the regular session of the Twenty-ninth Legislature of the State of Texas, reorganizing the Twenty-third, Twenty-fourth, Twenty-fifth, Thirty-sixth and Forty-ninth Judicial Districts of the State of Texas, and fixing the time of holding District court therein; so as to change the time of holding District court in Gonzales county."

Read first time and referred to Committee on Judicial Districts.

By Senator Barrett:

Senate bill No. 100, A bill to be entitled "An Act to provide for the introduction of industrial training, including agricul-

ture and kindred subjects into the public free schools and for the appointment of an Assistant Superintendent of Public Instruction."

Read first time and referred to Committee on Education.

By Senator Murray:

Senate bill No. 101, A bill to be entitled "An Act to repeal sub-division (1) one, (5) five, (6) six, (8) eight, (11) eleven, (12) twelve, (31) thirty-one, (33) thirty-three, (35) thirty-five, (38) thirty-eight, (39) thirty-nine, (51) fifty-one, (55) fifty-five, (59) fifty-nine, and to amend Sub-division 13 (thirteen) of Section 1 (one) of an act entitled 'An Act to amend Article 5049, Chapter 1, (one), Title 104 (one hundred and four), of the Revised Statutes relating to general occupation taxes;' Chapter 18 (eighteen) of the Acts of the first special session of the Twenty-fifth Legislature, relating to taxes on certain occupations."

Read first time and referred to Finance Committee.

By Senator Smith:

Senate bill No. 102, A bill to be entitled "An Act regulating bail in criminal cases and relating to mode of trial of the defendant in prosecutions for felonies, with an emergency clause."

Read first time and referred to Judiciary Committee No. 2.

By Senators Chambers and Terrell:

Senate bill No. 103, A bill to be entitled "An Act to permit a defendant convicted of a felony to enter into a recognizance or bail bond, pending his appeal, and prescribing the requisites of a recognizance or bail bond sufficient to confer jurisdiction upon the Court of Criminal Appeals of such appeals, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator Harper:

Senate Joint Resolution No. 6, "To amend Sections 1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, Article 5, of the Constitution of the State of Texas, relating to the judiciary."

Read first time and referred to Committee on Constitutional Amendments.

Morning call concluded.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 22, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 18, A bill to be entitled "An Act appropriating \$5000, or so much thereof as may be necessary, for use by the Railroad Commission of Texas to defray the expense of any extra labor, traveling or other necessary expenses in preparing the defense of the Railroad Commission in the suits now pending in the Federal District Court for the Western District of Texas, wherein certain railroad companies are suing to enjoin the enforcement of orders reducing their rates, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after its caption had been read; the following House bill:

House bill No. 18, referred to Finance Committee (see caption above).

REPORT OF COMMITTEE—ADOPTION OF.

Committee Room,

Austin, Texas, January 21, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Contingent Expenses, to whom was referred Senate resolution by Kellie for the election of Miss Jennie Daugherty as stenographic clerk of the Senate, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

MINORITY REPORT.

Austin, Texas, January 21, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Contingent Expenses, to whom was referred the resolution for the election of Miss Jennie Daugherty by the Senate as an additional stenographic clerk thereof, have had the same under

consideration and do not concur in the report of the majority of said committee, for the reason we do not believe that any necessity exists for the employment of any additional stenographers. The resolution adopted by the Senate on the first day of its session provided for the election of nine stenographic clerks, as well as a full complement of employees of the Senate, that in the opinion of some members of the Senate, the resolution provided for the employment of a greater number of employees than is or will be needed by the Senate to transact the proper business thereof, while other members desired the appointment of a greater number. As a compromise, it was agreed that the number of employees called for in said resolution should be elected and no more. The Legislature has been in session for more than two weeks since said resolution was adopted, yet there have remained in attendance on the Senate several persons who were not selected under the original resolution with the hope and expectation that the Senate would continue from time to time to add more employees to the list selected, and thus they would be placed upon the pay rolls of the Senate, at the useless expense of the public. Fully one-half of the time of the stenographers as well as other employees of the Senate is spent not in work for the Senate, but in social enjoyment. We do not believe that there should be a single addition more to the list of employees in the Senate. If we have selected any employee who is either incompetent or unwilling to do efficient work needed, then such person should be dropped and others selected to take their place; if all of them are competent, and willing to work, then we have all the employees needed.

For the above reasons and others that might be suggested, we respectfully recommend that the resolution referred to your committee should not be adopted.

Respectfully submitted,

GRINNAN,
LOONEY,
SMITH.

COMMITTEE REPORT — ADOPTION OF.

On motion of Senator Grinnan, the regular order of business (Senate bill No. 21) was suspended, and the Senate took up, out of its order, the above committee reports.

There being a majority and minority report on the resolution providing for an additional stenographer, Senator Grin-

nan moved to substitute the minority report for the majority, and

Senator Hudspeth moved to table the motion, and

The motion to table was adopted by the following vote:

Yeas—16.

Alexander.	Kellie.
Brachfield.	Masterson.
Chambers.	Meachum.
Glasscock.	Paulus.
Griggs.	Stone.
Harper.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.

Nays—12.

Barrett.	Looney.
Faust.	Mayfield.
Green.	Senter.
Greer.	Skinner.
Grinnan.	Smith.
Harbison.	Stokes.

Absent.

Murray.

Absent—Excused.

Veale.

Question then being on the adoption of the majority report, the same was adopted by the following vote:

Yeas—16.

Alexander.	Kellie.
Brachfield.	Masterson.
Chambers.	Meachum.
Glasscock.	Paulus.
Griggs.	Stone.
Harper.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.

Nays—12.

Barrett.	Looney.
Faust.	Mayfield.
Green.	Senter.
Greer.	Skinner.
Grinnan.	Smith.
Harbison.	Stokes.

Absent.

Murray.

Absent—Excused.

Veale.

SENATE BILL NO. 21.

The Chair laid before the Senate, regular order, on third reading,

Senate bill No. 21, A bill to be entitled "An Act to amend Article 1442 of Title

XXX, Chapter 20, of the Revised Civil Statutes of Texas, pertaining to giving security for costs."

The bill was read third time and passed.

Senator Stone moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 19.

On motion of Senator Looney, the regular order of business (Senate bill No. 14) was suspended, and the Senate took up, out of its order, Senate bill No. 19.

The Chair laid before the Senate, on second reading,

Senate bill No. 19, A bill to be entitled "An Act providing additional procedure by which testimony may be taken in suits brought by the Attorney General, or under his direction, to enforce the laws of this State against trusts, monopolies and conspiracies against trade or suits to enforce laws regulating and controlling organizations; providing for the appointment of a special commissioner to take testimony within or without the State, and providing that judgment by default shall be rendered against any defendant in such action who fails to comply with the provisions of this act."

Senator Looney offered the following amendment:

Amend Senate bill No. 19, by adding thereto an additional section, as follows:

Section 7. The inadequacy of the laws of this State to enable the Attorney General and the District and County Attorneys to procure testimony in support of suits brought by the State to enforce anti-trust and corporation laws, creates an emergency and an imperative public necessity, demanding the suspension of the constitutional rule requiring bills to be read on three several days and the same is so done and that this act go into effect and be in force from and after its passage, and it is so enacted.

The amendment was read and adopted.

Senator Masterson offered the following amendment:

Amend by inserting after the word "dereliction" in line 17, page 3, the following, "Provided that the court shall deem such evidence demanded and refused to be material to the case."

The amendment was read and adopted.

Bill read second time and ordered engrossed. On motion of Senator Looney the constitutional rule requiring bills to

be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent—Excused.

Veale.

The bill was read and passed by the following vote:

Yeas—28.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Faust.	Meachum.
Glasscock.	Murray.
Green.	Paulus.
Greer.	Senter.
Griggs.	Skinner.
Grinnan.	Smith.
Harbison.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Hudspeth.	Willacy.

Absent.

Watson.

Absent—Excused.

Veale.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO 14.

The Chair laid before the Senate, regular order, and on second reading,

Senate bill No. 14, A bill to be entitled "An Act to amend Title VIII, Chapter 1, Articles 596 and 598 of the Code of Criminal Procedure of the State of Texas, relating to the mode of trial of the defendant in all prosecutions for felonies, with an emergency clause."

On motion of Senator Alexander the bill was laid on the table subject to call.

SENATE BILL NO. 15.

The Chair laid before the Senate on second reading, regular order,

Senate bill No. 15, A bill to be entitled "An Act defining foreign corporations, prescribing the terms and conditions on which they may be chartered, the contents of the charter, their duties and the duties of their directors, officers and agents; and certain limitations and restrictions on their powers and the powers of their officers, directors and agents; prescribing terms and conditions under which their capital stock may be increased and decreased, and providing for their dissolution, and generally providing rules and regulations for their government and the conduct of their business; also prescribing the terms and conditions under which foreign corporations may be granted permits to do business in Texas, and the circumstances under which the permit is forfeited; also prescribing the duties of such corporations," etc.

On motion of Senator Looney, the bill was laid on the table, subject to call.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 22, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following House Concurrent Resolution No. 5, relative to the joint rules of the Senate and House of Representatives.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

The above resolution was read and referred to Committee on Rules.

EXECUTIVE MESSAGE.

Executive Office, State of Texas,
Austin, Texas, January 22, 1907.

To the Senate:

The advice and consent of the Senate is requested to the following appointments:

For Regents of the Texas State University—T. S. Henderson, E. A. Calvin, J. M. Presler, M. Marx, George W. Brackenridge, J. W. McLaughlin, M. D.; T. B. Greenwood, N. W. Finley.

For Board of Directors of the A. & M. College—Jot Gunter, K. K. Leggett, A. Haidusek, W. P. Sebastian, T. D. Rowell, L. L. McInnis, R. T. Milner, Walton Peteet.

For Trustees of the Lunatic Asylum at Austin—R. W. Finley, F. T. Ramsey, A. S. Phelps, Walter L. White, Dr. Joe Wooten.

For Trustees of the Blind Asylum—Frederick C. von Rosenberg, Sidney Nolen, Dr. Geo. S. Beaty, W. M. Thornton, William G. Bell.

For Trustees of the Deaf and Dumb Asylum—I. P. Lockridge, Dr. L. L. Lacy, Tom H. Davis, John E. Shelton, Joe Koen.

For Trustees of the Deaf, Dumb and Blind Asylum for Colored Youths—Charles Stephenson, Morris Silver, James H. Hart, Dr. W. Neal Watt, Kyrie Thrasher.

For Trustees of the Southwestern Insane Asylum at San Antonio—L. J. Hart, F. C. Davis, Dr. T. T. Jackson, C. M. Stone, W. C. Rigsby.

For Board of Managers of the Confederate Home at Austin—W. C. Walsh, Val C. Giles, Joel H. B. Miller, Paul F. Thornton, Ben E. McCullough.

For Trustees of the Epileptic Colony at Abilene—W. M. Lacy, John Bowyer, L. A. Grizzard, M. D.; S. P. Hardwicke, A. S. Henry.

For Board of Trustees for College of Industrial Arts at Denton—Clarence Ousley, Mrs. Birdie R. Johnson, M. Eleanor Brackenridge, J. H. Lowry, Mrs. Helen M. Stoddard, Dr. J. P. Blount, Arthur Lefevre.

For Fish and Oyster Commissioner—R. H. Wood of Aransas county.

T. M. CAMPBELL,

Governor.

EXECUTIVE SESSION—TIME SET FOR.

Senator Looney moved that the Senate sit in executive session Thursday at 11 o'clock for the purpose of considering the appointments sent in by the Governor today.

The motion prevailed.

NOMINATIONS FOR UNITED STATES SENATOR.

The Chair announced that the hour of 11:30 o'clock a. m. having arrived, and that the special order for that time being to ballot for United States Senator, and he declared nominations for said office in order.

Senator Harbison placed in nomina-

tion Hon. Joseph Weldon Bailey of Cook county to succeed himself.

The nomination was seconded by Senators Meachum, Terrell, Barrett, Hudspeth, Willacy, Looney, Skinner and Smith.

Pending Senator Senter's nominating speech,

Senator Murray moved that the Senate recess until 3 o'clock.

The motion was lost by the following vote:

Yeas—3.

Glasscock. Stokes.
Murray.

Nays—25.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Faust.	Meachum.
Green.	Paulus.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Watson.
Holsey.	Willacy.
Hudspeth.	

Present—Not Voting.

Senter.

Absent—Excused.

Veale.

Pending discussion by Senator Senter,

Senator Barrett made a point of order that Senator Senter was making a political speech and not placing any one in nomination and that this hour was set apart by resolution for the purpose of making a nomination.

Senator Looney made practically the same point of order.

The Chair (Lieutenant Governor Davidson) overruled the point of order.

Senator Senter placed in nomination Gen. W. L. Cabell of Dallas county.

Senator Glasscock placed in nomination Hon. A. W. Terrell of Travis county.

BALLOTING FOR UNITED STATES SENATOR.

Nominations for United States Senator having closed, the Chair ordered the roll called. The ballot resulted as follows:

Question—Election United States Senator. Nominees: J. W. Bailey, General W. L. Cabell, Hon. A. W. Terrell.

Bailey—19.

Alexander.	Masterson.
Barrett.	Meachum.
Brachfield.	Paulus.
Chambers.	Skinner.
Griggs.	Smith.
Harbison.	Stone.
Harper.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Cabell—1.

Senter.

Terrell—1.

Glasscock.

Chilton—1.

Holsey.

Present—Not Voting—7.

Faust.	Mayfield.
Green.	Murray.
Greer.	Stokes.
Grinnan.	

Absent—Excused—1.

Veale.

TOTAL.

Senator Bailey having received a majority of the votes cast, the Chair declared him duly and constitutionally elected a Senator of the United States from Texas.

REASONS FOR VOTING.

The following reasons for voting were filed with the Journal Clerk and ordered printed:

REASONS FOR VOTING FOR UNITED STATES SENATOR.

I shall vote for General W. L. Cabell of Dallas for United States Senator and against Senator Bailey for the following reasons:

1. Because every member of both branches of the Legislature is on record as favoring an investigation of the charges against Senator Bailey, and to elect him Senator now and investigate him afterward would tend to convince the public that the investigation proceedings will be farcical and based upon a pre-existing design to return a general verdict of acquittal.

2. Because the election of a United States Senator should have been postponed until the report of the Investigating Committee shall be received and acted upon.

3. Because a postponement of the election would, in my judgment, have been

made but for the opposition of Senator Bailey.

4. Because the spokesmen for Senator Bailey in this chamber have just voted down a resolution providing that the choice of a United States Senator shall be referred back to a general Democratic primary, to be held before the adjournment of the present session of the Legislature, myself, and other proposers of such resolution agreeing to abide by the result of such primary, to be determined by a majority of all the votes cast in the primary.

5. Because Senator Bailey, in a speech at Graham, as reported by the press, delivered before the meeting of the Legislature, declared there would be no investigation for the reason there was nothing to investigate, and in an address to the Legislature, sitting in joint session, on the occasion of the inauguration of Governor Campbell, declared with emphasis that he would be re-elected on Tuesday, the 22d of January, thus assuming the authority to speak for the Legislature, to predetermine its action, and to pass on the question of his own eligibility at this time, which assumption I believe should be resented by every member of the Legislature.

6. Because the attitude of Senator Bailey since the Legislature convened has been that of open and aggressive hostility to a full investigation of the charges pending against him.

7. Because I believe the election of Senator Bailey at this time, and under the existing circumstances, would put in peril the interests of the Democratic party of the State and nation by placing a weapon in the hands of its enemies which will be used with serious effect against it in the campaign of 1908.

8. Because I believe it was Mr. Bailey's duty to the people of Texas, who have so greatly honored him in the past, to have invited the fullest investigation of his conduct, without limitations of any sort, and his determined stand to the contrary suggests that he has reasons for his course, adverse to the public interests, which have not yet been disclosed.

9. Because, upon Mr. Bailey's own admissions, he has been engaged in transactions with Pierce and his associates which, from a Democratic point of view, were gravely improper, and his declaration that they involved no turpitude should be supported by something more than his own affirmation before he can be adjudged innocent under the rules of evidence which prevail in the courts of every civilized country.

10. Because the Democrats of Texas should have been fully advised by Mr. Bailey of the nature of his transactions with Pierce and the latter's associates prior to the Democratic primaries in last July in order to sustain the plea of an estoppel against any Democrat, precluding him from voting against Mr. Bailey by reason of the action of the Democratic primary.

11. Because I can not subscribe to the doctrine that a Democratic nomination is superior to a moral obligation to perform, in good conscience, a sacred public duty, in a case where it is disclosed, after the nomination was given, that the party who received it is morally ineligible to the office.

12. Because, upon the record as presented by Senator Bailey's own damaging admissions, and in the absence of other testimony, I shall vote to preserve and uphold the standards and ideals of the Old South, rather than to follow in the footsteps of Delaware, Rhode Island, New York, Montana and Ohio with respect to the relations which are permissible between officials of high station and unlawful and oppressive trusts and combinations and their promoters.

SENTER.

I vote for Horace Chilton, not with a hope of an election, but because I think it would be unwise and detrimental to the State and national Democracy to vote for Senator Joseph W. Bailey while pending the grave charges made by reputable Democrats and citizens of Texas. I favored and voted for the Senter resolution which sought to secure a fair and thorough investigation, but was defeated. In my opinion, the Senate and House committees appointed by the respective bodies have not had time to investigate to the satisfaction of a majority of the Democrats of Texas, or my district. Therefore, I am compelled to vote as I do in the absence of a fair, honest, open, thorough investigation.

Austin, Texas, January 18, 1907.

Hon. J. W. Bailey, Austin, Texas.

My Dear Sir: I was present in the House of Representatives and listened attentively to your explanation. Should very much appreciate an answer to the following questions:

Have you a receipt, cancelled check, or document of any kind showing partial or whole payment of note for \$8000?

Do you believe a United States Senator has the right to represent, in capacity of attorney, a public service corporation during his term of office?

Appreciating any information you may be able to furnish me in regard to these matters, I am, Yours very truly,
(Signed) WALTER R. HOLSEY,
Senator Ninth District.

Not receiving an answer to the above letter and in view of the above facts, I think I am justified in my actions.
HOLSEY.

It is my desire to vote for Senator Joseph W. Bailey if he is innocent of the grave charges now pending against him before the Legislative Investigating Committee. Said committee is now making an investigation into the truth of said charges, but has not had time to complete same and report the result thereof to this Senate. I voted for said investigation, and I acted and am in earnest about it; and I believe it my duty to delay the election of United States Senator until said committee reports to us, and to this end, to withhold my vote for Senator Bailey under present circumstances. When said investigation is completed if he should be vindicated my vote will be recorded accordingly, but if he is guilty of said charges, I will try to cast the vote which a just people whom I represent will approve.
GRINNAN.

I vote against Mr. Bailey because many good Democrats of Texas believe he is in sympathy, if not connected, with some of the greatest trusts and public service corporations in the Union, and this fact was not known to the Democrats of Texas when the primaries were held in the State on the 28th day of July, 1906. If it had been known he would never have been endorsed by the primary votes of the Democrats of this State. Many good Democrats believe he had his name placed on the Democratic primary ticket to forestall any action on the part of the Democracy. When his true position and conduct as to trusts would be discovered to then claim that he was the regular Democratic nominee and was entitled to re-election regardless of the charges against him and as to what an investigation of charges against him would develop, and is now contending he is the Democratic nominee, and for that reason principally he should be re-elected.

I believe a nominee should be a subject of investigation when serious charges are pending against him and that in the present case of Senator Bailey a decisive vote in his favor for re-election should not be had by this Legislature until the Investigating Com-

mittee makes its report and the same has been acted upon by this Legislature.

Further, I do not believe a United States Senator can represent a trust company or public service corporation and the people and the government during his term of office both fair and impartial alike, so believing as the matter now stands, I can not give Mr. Bailey my vote for re-election as United States Senator from Texas, I therefore cast my vote for Hon. A. W. Terrell, a distinguished statesman, jurist and patriot, who has a clean record in all his official life.

GLASSCOCK.

The Senate has ordered the appointment of a committee to investigate any charges that might be preferred touching the fitness of Senator Bailey for re-election to the United States Senate.

Charges have been made which in the opinion of the Senate committee are within the purview of the resolution under which they are acting.

Said committee has selected counsel and is ready to proceed to a hearing of such charges.

The House of Representatives has appointed a committee to investigate any charges that might be made against Senator Bailey touching his fitness for re-election.

Charges have been preferred before such committee and said committee is about to proceed with an investigation of such charges.

The Legislature having determined upon an investigation, I at this time refrain from voting for Senator Bailey. To vote for Senator Bailey now would impugn the honest intent of my former vote for a real investigation.

To re-elect Senator Bailey before a conclusion of the investigation would, I believe, stultify the previous actions of both houses of the Legislature in appointing committees for said investigation.

It would be a wrong to Texas, a wrong to the Democratic party, an injury to Senator Bailey and the members of this Legislature and to the nation to re-elect Senator Bailey before a conclusion of said investigation.

To institute this investigation and then before said investigation has fairly begun to elect him seems to me would be a farce, and make the action of the Legislature a sham and subject to the criticism of not having been made in good faith.

The interest of Senator Bailey can be safeguarded and the Federal Statutes

complied with by voting from day to day without effecting an election until a conclusion of the investigation.

By not voting I seek solely to postpone the election of a United States Senator until a full and fair investigation has been had.

GREEN.

The Senate has ordered the appointment of a committee to investigate any charges that may be presented touching the fitness of Senator Bailey for re-election to the United States Senate. Charges have been made, which in the opinion of the Senate committee come within the purview of the resolution under which they are acting. Said committee has selected counsel and is ready to proceed to a hearing of such charges. The House of Representatives has appointed a committee to investigate any charges that might be made against Senator Bailey touching his fitness for re-election. Charges have been presented before such committee and said committee is about to proceed with an investigation of such charges. The Legislature having entered upon an investigation I, at this time, refrain from voting for Senator Bailey. To vote for Senator Bailey now would impugn the honest intention of my former vote in favor of an investigation. To re-elect Senator Bailey before a conclusion of the investigation would, I believe, stultify the previous actions of both Houses of the Legislature in appointing committees for said investigation. It would be wrong to Texas, wrong to the Democratic party and injurious to Senator Bailey and to the nation to re-elect Senator Bailey before a conclusion of said investigation. To institute this investigation and then before said investigation has fairly begun, to elect him, seems to me would be a sham, and make the action of the Legislature subject to the criticism of not having been made in good faith. The interest of Senator Bailey can be safeguarded and the Federal statutes complied with by voting from day to day without effecting an election before a conclusion of the investigation. By not voting for Senator Bailey, I vote to postpone the election of a United States Senator until a full and fair investigation has been made.

Last night I sent the following letter to Senator Bailey by a responsible person:

"Austin, Texas, January 21, 1907.

"Senator J. W. Bailey, Austin, Texas.

"My Dear Sir: As you well know for

a number of years I have not only been a great admirer of you but I have been your friend and I sincerely trust that you will appreciate the spirit in which this letter is written. Tomorrow, in conformity with our Federal Statute, we will ballot on the election of a United States Senator. In justice to yourself and to myself, I desire in all sincerity, to ask you the following questions:

"The first loan you made of Mr. H. C. Pierce was for \$3300. You state that this note has been paid. Will you kindly inform me *when* it was paid and *how* it was paid? If by service what was the nature of that service? If paid by money, please so state. You state that the \$1750 loan was a part and parcel of the \$8000 note which is now in the possession of the Attorney General of our State. I have examined this note and there is nothing on it to indicate its payment. You state that this note has likewise been paid. Will you kindly inform me *when* it was paid and *how* it was paid? Have you a receipt, a canceled check or any kind of document other than Pierce's letter showing partial or total payment of this \$8000 note? Do you believe that the representatives of the people should represent public service corporations while in the service and employment of the people, and if you are re-elected as our United States Senator will you accept employment from public service corporations?

"Now, Senator, I am writing you in good faith and my intentions are sincere and I want to do my duty as my conscience dictates and I will appreciate any information that you may be able to give me in reference to the above questions and will thank you for a reply to reach me before we begin to ballot on tomorrow. I am asking you these questions for information for myself.

Yours very truly,

(Signed) "E. B. MAYFIELD,
"State Senator, 27th District."

Not having received a reply I conclude that he did not desire to enlighten me as to the information sought. This is an additional reason why I refrain from casting my vote for Senator Bailey at this moment.

MAYFIELD.

I desire to be marked present and not voting, for the reason that certain charges have been made against Senator J. W. Bailey, which have been considered of such a serious nature as to call for the appointment of a committee of this Senate to investigate the same and

which, if true, will tend greatly to impair Mr. Bailey's usefulness as a public official, if not to render him unworthy of the further confidence of the people of this State. This committee so appointed and constituted by this body has not had time to make the investigation contemplated, but in truth, has just entered upon its labors. Therefore, in justice to the people of Texas, as well as to Mr. Bailey and in the light of all the circumstances and conditions confronting this legislative body, and the people whom we serve, and acting upon my conscientious convictions of duty, I decline to express my preference for, or cast my vote for United States Senator pending said investigations.

GREER.

SIMPLE RESOLUTION.

Resolved, That the speeches of Senators Harbison, Meachum, Terrell, Barrett, Hudspeth, Willacy, Skinner, Looney, and Smith in nominating and seconding the nomination of Joseph W. Bailey for United States Senator be furnished the Journal Clerk and be printed in the Journal of the Senate.

STONE,
BRACHFIELD,
HARPER.

The resolution was read and adopted.

NOMINATING SPEECHES.

Senator A. P. Barrett in seconding the nomination of Senator Bailey said:

Mr. President, I realize this is a day for courageous action, and not a day for idle words. May I be pardoned for saying only a few words?

To my mind this day has had only one parallel since the Republic of Texas gained admittance into the sisterhood of States.

The lion-hearted Coke bravely fought for and fairly won the office of Chief Executive. The usurper, E. J. Davis, with his henchmen, sought to override the will of our people by preventing Coke from taking his seat.

The membership of the Thirteenth Legislature were brave and determined men. I have been honored by the close friendship of one of those heroes—Dr. John Cunningham of Ravenna, Texas. They were willing to sacrifice their lives, if need be, in an effort to declare elected Governor the statesman and patriot whom the sovereign people had chosen for that high office. And Coke took his seat.

Mr. President, again we face a crisis. The test of '73 will be put to each of us today. Shall we surrender the vital principle of free government—the right of the people to elect their public servants and revert to mob rule, and permit character assassins, scandal-mongers and political guerrillas to reign supreme; or shall we declare elected United States Senator, the man whom the people have chosen—J. W. Bailey.

We shall follow the example of the men of '73.

Mr. President, from humble surroundings, there emerged from the fertile plains of North Texas a young man of Grecian mould and dauntless courage. Commissioned by an intelligent and God-fearing constituency to plead their cause in the Halls of Congress, his boundless energy, close application, devotion to duty and matchless ability gained for him a continuous and well deserved promotion in the councils of his party.

The ablest advocates of intrenched privilege were pitted against him, but proved to be unable to cope with him in the high forum of debate. We need not review his splendid record. Suffice it to say that he reached that proud prominence as a statesman as to gain the nation's eye and the nation's ear.

His power had become so irresistible that his retention in office meant the inevitable enactment of wholesome reforms and the redress of grievous wrongs. Hence the edict went forth that "Bailey must be defeated."

I have read the story of the Gracchii; of how they eloquently plead for the people's rights. Long and bravely did they battle for the benefit of their fellow countrymen. Yet as the last of them was about to gain a complete victory over the enemies of his people, those enemies resolved that he must be destroyed. The mob attacked him in the streets of Rome and his trusted followers deserted him in the hour of need. His heart bursting on account of their base ingratitude, he expired with this prayer on his lips: "May the people of Rome be slaves forever."

Will the people of Texas, for whom Bailey has battled for sixteen years, whose interest and welfare have ever been uppermost in his mind and heart, show ingratitude for the splendid services he has rendered them? Were they to do such an unreasonable thing his love for them is so fathomless that his only prayer concerning them would be: "Father, forgive them, for they know not what they do."

But Texans are the last to desert a friend, tried and true. Those people mistook the character and intelligence of the Democrats of Texas. Their passions can not become so inflamed, their prejudices so aroused, nor their judgment so beclouded that reason will desert her throne.

Above the mists of unfair criticism, malicious slander and gross misrepresentation of his enemies and detractors, our present and future Senator, J. W. Bailey, will arise:

"Like some tall cliff that lifts its awful form,
Swell from the vale and midway leaves the storm;
Though around its breast the rolling clouds are spread,
Eternal sunshine ever settles on its head."

From the pine forests of East Texas on to the winding course of the Rio Grande; from the Panhandle unto the Gulf, let the proud refrain of Texas Democrats be:

"Bailey and Texas; Texas and Bailey; now and forever; one and inseparable."

Mr. President, I take pleasure in seconding the nomination of J. W. Bailey for United States Senator.

Senator C. B. Hudspeth, seconding the nomination of Hon. Joseph W. Bailey in the Senate of Texas, January 22, 1907, said:

Mr. President and Gentlemen of the Senate:

Never in my life have I performed a duty which gave me greater pleasure, and in which I felt greater pride than the one I am about to perform.

Mr. President, representing a district bounded on the north by the neutral strip and on the east by the briny waters of the Gulf, on the south by the land of cacti and the hot tamale on the west; by the grace of God a district, sir, that you could put the States of New York and Massachusetts in and throw in Rhode Island for a cow corral.

Mr. President, in behalf of the bluest blood that ever flowed through the veins of a follower of that fountain head of Democracy, Thomas Jefferson; sir, in behalf of a class of pioneers who braved the hardships of frontier life and bared their breasts to the Red Men's bullets, staked their claims upon his smouldering ruins to make it possible for a class of "tenderfeet" from the effete East to reside in the garden spot of Texas, I rise, sir, to second the nomination of a

man who has done more to bring honor upon our imperial Commonwealth than any other man who has ever graced the national halls of Congress, and whose Democracy, fealty and love for the land gave him birth has never been questioned.

Mr. President, out there in that pure ozone we breathe there is not a germ of populism or anarchism. There is not a germ, sir, that would produce a mugwump or a shyster in politics, or a man that would prove recreant to his party mandate.

Mr. President, out there we teach our children from early infancy to vote the Democratic ticket and to support the Democratic nominee, and especially do we admonish them to follow in the wake of such leading spirits as Andrew Jackson, William J. Bryan and Joseph Weldon Bailey. Mr. President, the Democracy of my district following a law passed by the Twenty-ninth Legislature commissioned me on the 28th day of July to represent them in this august assembly. At the same time they commissioned me by their ballot to cast my vote in this assembly for Joseph W. Bailey, and up to this good hour they have never revoked said commission by petition, letters, telegram or public demonstration.

Mr. President, with the lights before me, and the Supreme Ruler for my guidance and inspiration, I shall carry out the mandates of my party until said party meets and revokes the authority given me by their ballot on the 28th day of July. Why, Mr. President, everything that walks or crawls upon that great expanse of territory, certain some day to become the garden spot of Texas, chimes in unison the praises of Joseph W. Bailey. The gray-haired veteran with an empty sleeve, who followed the fortunes of the Stars and Bars, and stood for local State sovereignty, a sacred right guaranteed to him by the Constitution of this great Republic, throws up his hat at the very mention of his name, for in him he knows he has ever had a defender of the fair and sunny Southland from the virulent and scurrilous attacks of such defamers and bloody shirt wavers as old Foraker of Ohio and that detestible misrepresentative, Crompaker of Indiana. The young men in their clubs, sir, passed resolutions endorsing Joseph W. Bailey, and the good women, sir, in their Epworth League and their W. C. T. U. and their sewing societies and their quilting bees passed resolutions of commendation of this great man. Why, Mr. President, even the old long-horned cow, as she rises

from her bed of slumber and shakes herself in the long wet grass in the early morning lows "Joe Bailey"; the little prairie dog upon his native heath chirps "Joe Bailey, Joe Bailey," and the screech owl from early morn till dewy eve screeches "Joe Bailey."

Mr. President, with the most profound respect to colleagues who see this matter in a different light, and believing that I voice the sentiment of a majority of 20,000 of the best Democrats that ever graced God's footstool, today I second the nomination of the greatest living Democrat, that distinguished orator and peerless statesman, Joseph W. Bailey.

Senator McDonald Meachum in seconding the nomination of Senator Joseph W. Bailey for re-election to the United States Senate, said:

Mr. President and Gentlemen of the Senate:

It is a beautiful custom of a patriotic public to recognize the valor of their heroic dead by erecting above their last resting places some enduring monument in commemoration of their achievements and expressive of the love and gratitude of a free people.

Beautiful and sacred as is this custom, it is none the less proper and appropriate that we should honor the living and bestow praise upon those who, having responded faithfully to the call of duty in high or low position, have won thereby the plaudits of an appreciative constituency; to do honor to our illustrious dead is proper and right—to do justice to the living is no less an imperative duty, for so certain as "The forgetfulness of departed greatness is a sure precursor of a nation's fall," so sure it is that the neglect of reward to a faithful public servant is a serious and inconsiderate omission.

Mindful of this fact we come today as the agents of the people in response to their mandate as expressed at the polls last July to select that eminent statesman, that great Democrat, Joseph Weldon Bailey, United States Senator from Texas.

Hailing from a district, Mr. President, far removed from that portion of Texas where he has so long resided, and which he has so honored and adorned, it has not been the privilege of my people to know him personally and to love him because of personal attachment, but rather do they esteem him because of his great and efficient public service, and because they know that within him beats the heart of one who is their friend and whose matchless record

in the United States Congress is replete with brilliant achievement in their behalf.

Mr. President, the imperial Commonwealth of Texas demands for her Senator in this hour one who possesses the ability, the courage and the patriotism to protect her great and growing interests in the councils of the nation and who is worthy from every standpoint to represent a State wrung from oppression by the sacrifices of free men, who, dedicating their lives, their all, to the cause of liberty, from out the wilderness, carved:

"Texas, thou Queen of States, whose crown

Wrought by the hands of heroes, shines
Like some prophetic sun adown

The glowing future's magic lines."

And who can doubt, Mr. President, that Joseph W. Bailey comes up to the full measure of this high standard?

His long and eminent service in the Congress of the United States bespeaks his ability, his courage and his fidelity to the public good. Though yet scarcely in the prime of life, he is most abundantly endowed by nature and experience for a continuance of his great and useful work in the high station to which we will today re-elect him, and which he has already so honored and adorned.

Not alone because of his splendid service should we honor him today, but as well because he is one of those public officials who never betrays a cause nor deserts a friend.

What was said of Pericles by the Greek historian, we may say of Joe Bailey:

"He does not so much follow as lead the people, because he frames not his words to please them, like one who is gaining power by unworthy means, but is able and dares, on the strength of his high character, even to brave their anger by contradicting their will."

Though, like Washington, Jackson and Houston, bitterly assailed, the assaults have never yet shaken his hold upon the people, and today in the midst of them he stands the greatest United States Senator of the hour, and, so sure as time rolls on its ceaseless course and true Democracy still lives in Texas, he will be triumphantly re-elected to that great body of statesmen; of whom it is admitted Joe Bailey is the most powerful of them all.

Mr. President, as I saw him stand the other day by the side of the portrait of the great Sam Houston in the

hall of the House of Representatives, I thought of their many similar traits of character, their devoted public service, and how they both have been the victims of many bitter attacks, and as I thought of this, I was carried back in memory's gallery to one of the last utterances of the great Houston, in one of his last speeches in the Senate of the United States, delivered February 28, 1859, wherein he said:

"Within a very few days, Mr. President, my political life will terminate. Previous to that event, I deem it due to myself, and to the truth of history, as well as to posterity, that I should be indulged in vindicating myself against uncalled for charges and unjustifiable defamation. Were it necessary in retiring from official position to cite illustrious examples for such a course, I could cite that of General Washington, who felt it was necessary, with his large, his immeasurable renown, to offer a refutation of anonymous calumnies which had been circulated against him, and to specify the particular facts in relation to them. I find, too, that General Jackson in his lifetime deemed it proper to file a vindication of himself, which was not disclosed until after his decease. Not wishing to place myself in a category with these illustrious men, I nevertheless feel that it is due to myself that I should vindicate my character from the attacks that have been made upon me. Within the next month I shall have served my country, with few intervals, for a period of forty-six years. How that service has been performed, I leave to posterity to determine. My only desire is that truth shall be vindicated and that I may stand upon that foundation, so far as posterity may be concerned with my action, that they may have an opportunity of drawing truthful deductions. Either of the illustrious patriots referred to might have spared much of their world renown distinction, and yet have had a world-wide fame left. More humble in my sphere than they were, more circumscribed than they, I feel that is the more necessary for me to vindicate what may justly attach to me, from the fact that I leave a posterity, and from that circumstance I feel a superadded obligation. Neither of those illustrious men left posterity. I shall leave a posterity that have to inherit either my good name, based upon truth, or that which necessarily results to a character that is not unspotted in its public relations. I have been careless of replying to these things for years. I believe no less than ten or fifteen books have been written defamatory of me,

and I had hoped, having passed them with very little observation, that, as I approach the close of my political term and was about to retire to the shades of private life, I should be permitted to enjoy that retirement in tranquillity; that my defamers would not pursue me there with the rancor and hatred with which they pursue an inspiring politician whom they wish to sink or depress. I could see no reason for their continued efforts to detract from my fairly earned reputation. These were fond anticipations and they were delightful to cherish, I entertained them with cordiality; they were welcome to my heart, but I find recently," etc. And he then proceeds to answer minutely the charges made against him. The time allotted forbids me quoting him further.

Would that these words of the great soldier and patriot could sink deep into the hearts and minds of every Democrat in Texas who might be misguided enough to raise his voice against our nominee. Let them remember that

"No might nor greatness in mortality
Can censure 'scape; black wounding
calumny,
The whitest virtue strikes. What king
so strong
Can tie the gall up in the slanderous
tongue?"

Mr. President, Roscoe Conklin said of President Grant: "Vilified and reviled, truthlessly aspersed by numberless presses, not in other lands, but in his own, the assaults upon him have strengthened and seasoned his hold upon the public heart. The ammunition of calumny has all been exploded; the powder has all been burned once, its force is spent and General Grant's name will glitter as a bright and imperishable star in the diadem of the Republic when those who have tried to tarnish it will have moulded in forgotten graves and their memories and epitaphs have vanished utterly." So it was with Grant and so will it be with Bailey.

Mr. President, imperial Texas has many reasons to be proud, for whither you turn in her history will be found unfading evidences of her glory. She is proud of the blood stains clinging to the sacred walls of the Alamo, she is proud of the memory of the sacrifices at Goliad and the success at San Jacinto. She is proud of her fertile prairies, her beautiful mountains, her valuable resources, her splendid people and her future destiny. She is proud of the memory of Houston, Rusk, Coke, Reagan and Hogg, those immortal statesmen who, having

been violently "tempest tossed upon the turbulences of a stormy life," have at last reached a harbor where the anchorage is secure and where faithful service meets a just reward; but, Mr. President, as she is proud of all these, so she is of that greatest Democrat of this age, Joseph Weldon Bailey.

Let me, therefore, second the nomination for the high office of United States Senator of him who is so endeared to the people of Texas that, when, like those immortal heroes I have mentioned, his race shall have been run and he shall be called to his reward, "in the land beyond the skies," where the poisonous touch of envy can reach him no more, no sculptured marble will be needed to perpetuate his memory, for the virtues of his life and his service to the country shall have erected a monument to him in the hearts of his countrymen which shall stand firm in the hands of posterity when moulded monuments of marble shall have crumbled into dust.

HOUSE CONCURRENT RESOLUTION NO. 5.

By unanimous consent, Senator Greer offered the following committee report:

(Floor Report.)

Austin, Texas, Jan. 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Rules, to whom was referred House Concurrent Resolution No. 5,

"Be it resolved by the House of Representatives of the Thirtieth Legislature, the Senate concurring, that the Joint Rules of the Twenty-ninth Legislature be and the same are hereby adopted to govern the joint sessions of the Senate and House of this Legislature until such time as permanent joint rules may be adopted,"

Have had the same under consideration, and I am instructed to report it back to Senate with the recommendation that it do pass.

GREER, Chairman.

On motion of Senator Looney, the Senate rule requiring committee reports to lay over for one day was suspended for the purpose of considering the resolution.

On motion of Senator Grinnan the pending order of business was suspended, and the Senate took up, out of its order, House Concurrent Resolution No. 5.

The Chair laid before the Senate

House Concurrent Resolution No. 5 (see caption in above committee report).

The resolution was read and adopted.

ADJOURNMENT.

On motion of Senator Alexander, the Senate, at 3 o'clock, adjourned till tomorrow morning at 10 o'clock.

APPENDIX.

MAJORITY REPORT.

Committee Room,
Austin, Texas, Jan. 21, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Contingent Expenses, to whom was referred Senate Resolution No. — by Paulus, Kellie, Chambers, Watson, Hudspeth, Terrell, Green, Meachum, Alexander, and Griggs for the election of C. T. Hancock as clerk in the office of the Sergeant-at-Arms to keep a record of all supplies purchased for use of Senate, checking in and out said supplies, and also to serve as clerk for Committee on Contingent Expenses, and that he be allowed \$5 per day for said services, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, Jan. —, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Contingent Expenses to whom was referred the resolution for the election of Mr. C. T. Hancock by the Senate as an assistant clerk in the office of the Sergeant-at-arms of the Senate, have had the same under consideration, and do not concur in the report of the majority of said committee, for the reason we do not believe that any necessity exists for the employment of any additional clerks. The resolution adopted by the Senate on the first day of its session provided for the election of nine stenographic clerks, as well as a full complement of employes of the Senate that in the opinion of some members of the Senate, the resolution provided for the employment of a greater number of employes than is or will be needed by the Senate

to transact the proper business thereof, while other members desired the appointment of a greater number. As a compromise, it was agreed that the number of employes called for in said resolution should be elected and no more. The Legislature has been in session for more than two weeks since said resolution was adopted, yet there have remained in attendance on the Senate several persons who were not selected under the original resolution with the hope and expectation that the Senate would continue from time to time to add more employes to the list selected, and thus they would be placed upon the pay rolls of the Senate, at the useless expense of the public. Fully one-half of the time of the stenographers as well as other employes of the Senate is spent not in work for the Senate, but in social enjoyment. We do not believe that there should be a single addition more to the list of employes of the Senate. If we have selected any employe who is either incompetent or unwilling to do efficient work needed, then such person should be dropped and others selected to take their place; if all of them are competent, and willing to work, then we have all the employes needed.

For the above reasons and others that might be suggested, we respectfully recommend that the Resolution referred to your committee should not be adopted.

Respectfully submitted,

GRINNAN,
LOONEY,
SMITH.

Committee Room,
Austin, Texas, Jan. 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Educational Affairs Committee, to whom was referred Senate bill No. 61, A bill to be entitled "An Act to amend Sections 93 and 94 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to school trustees and their duties," have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following amendment:

"Amend Section 1, by adding after the word 'district,' in line 9, the following: 'Provided the trustees elected must be able to read and write intelligently, and read, comprehend and interpret the provisions of the Constitution of the State of Texas, and the laws of the State of Texas, relating to the public school system, in a manner satisfactory to the County School Superintendent or ex-

officio Superintendent, and in the event any trustee elected in the place of the County Superintendent is not qualified to serve under the provisions of this act, it shall be the duty of the County Superintendent to declare the office to which said trustee shall have been elected to be vacant, and he shall appoint a person qualified, as herein defined to serve as trustee until the next regular election.

BARRETT, Chairman.

Committee Room,
Austin, Texas, Jan. 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Educational Affairs Committee, to whom was referred Senate bill No. 65, A bill to be entitled "An Act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion and authorizing the Attorney General to bring suit therefor, and providing penalties for violations of the provisions of this act," have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

BARRETT, Chairman.

Committee Room,
Austin, Texas, Jan. 19 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Education, to whom was referred Senate bill No. 62, A bill to be entitled "An Act to amend Section 50 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to School Districts," have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BARRETT, Chairman.

Committee Room,
Austin, Texas, Jan. 21, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Education, to whom was referred Senate bill No. 67, A bill to be entitled "An Act to amend Section (2) of an act approved May 11, 1905, creating the Jacksonville

Independent School District, in Cherokee county, Texas, defining its boundaries, etc., which is Chapter three (3) of the General Laws passed at the First Called Session of the Twenty-ninth Legislature, so as to more particularly and accurately define and describe its boundaries," have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the same be not printed.

BARRETT, Chairman.

Committee Room,
Austin, Texas, Jan. 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 28, A bill to be entitled "An Act to prevent any person or association of persons, firm or corporation from charging a higher rate of interest than 10 per cent, and providing a penalty therefor," have had the same under consideration, and I am instructed by a majority of the committee to report the bill back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, Jan. 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Education, to whom was referred Senate bill No. 63. A bill to be entitled "An Act to amend Sections 36, 37 and 40 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to County Supervision of Public Schools," have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BARRETT, Chairman.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, Jan. 23, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Chambers.
Barrett.	Faust.
Brachfield.	Glasscock.

Green.	Meachum.
Greer.	Murray.
Griggs.	Paulus.
Grinnan.	Senter.
Harper.	Skinner.
Holsey.	Smith.
Hudspeth.	Stokes.
Kellie.	Stone.
Looney.	Terrell.
Masterson.	Watson.
Mayfield.	Willacy.

Absent.

Harbison.

Veale.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hudspeth the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Whereas, The quota of Senate Journals now supplied each Senator is insufficient to meet the demands of his constituents; therefore, be it

Resolved, That ten copies of the Journal be printed and laid on the desk of each member each morning.

The resolution was read and adopted.

By Senator Willacy:

Resolved, That W. A. Shaw, Jr., be appointed by the President of the Senate to act as Assistant Calendar Clerk and to perform such other duties as may be assigned to him by the President of the Senate.

Read and referred to Committee on Contingent Expenses.

By Senator Hudspeth:

Senate bill No. 104, A bill to be entitled "An Act to amend Article 841 of the Penal Code of the State of Texas in relation to burglary."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hudspeth:

Senate bill No. 105, A bill to be entitled "An Act to amend Article 723 of the Code of Criminal Procedure of the State of Texas, relating to new trials and the reversal on appeals."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hudspeth:

Senate bill No. 106, A bill to be entitled "An Act to amend Article 770, Title VIII, of the Code of Criminal Pro-